REMARKS/ARGUMENTS

Reconsideration and withdrawal of the outstanding grounds of objection or rejection are respectfully requested in light of the above amendments and the remarks that follow.

At the outset, applicant acknowledges the finality of the restriction requirement and, accordingly, non-elected claim 23 has been cancelled.

With regard to the objection to claim 4, applicant has corrected the spelling error in that claim as well as claims 6 and 16 and page 5 of the specification where similar errors occurred.

Applicant gratefully acknowledges the Examiner's indication that claims 16-22 have been allowed and that claims 4 and 6 contain allowable subject matter. By this amendment, claims 4 and 6 have been rewritten in independent form, thereby placing claims 4 and 6 in condition for immediate allowance.

The Examiner has rejected claims 1-3, 5 and 7-15 as unpatentable over Dion et al. (Canadian CA 2345631 A1) in view of Nitta et al. (U.S. 4,080,564). According to the Examiner, it would have been obvious to one of ordinary skill in the art to use an aluminum oxide humidity sensor in the CA '631 patent in view of Nitta's teaching that Al_2O_3 is a preferred metal oxide for the substrate 1 of a humidity-sensitive resistor device.

As the Examiner has acknowledged, the principal reference to Dion (CA '631) discloses a system and method for controlling an appliance for drying clothing articles.

To this end, a moisture sensor 52 is used to predict the percentage of moisture content or degree of dryness of the clothing articles. According to the disclosure on page 5, obtaining readings used to predict the percentage of moisture content is based on intermittent contact of the clothes with the sensor electrodes. The moisture sensor 52 is said to comprise a pair of spaced-apart rods or electrodes in combination with circuitry for providing a voltage signal representation of the moisture content of the articles to a controller 58 based on the electrical or ohmic resistance of the articles. In other words, voltage signals from the moisture sensor 52 are used by the controller 58 to predict a percentage of moisture content or degree of dryness or the clothing articles as a function of the resistance of the articles. Based on this disclosure, it is apparent that the Examiner's interpretation of the teaching of CA '631 is in error.

In the first instance, the Examiner contends that the sensor 52 is operated to detect moisture in the dryer. This is incorrect, the sensor is operated to detect moisture in the clothing articles (not in a "sample gas" as required by the claims here).

Second, the Examiner contends that CA '631 determines a rate of adsorption of the moisture used for determining a noise-free rate of moisture in the sample gas. Here again, the Examiner is incorrect. There is no suggestion in CA '631 of taking plural samples of sensor conductants over a predetermined period of time and determining the rate of adsorption of the moisture, and using the rate of adsorption as a measure of moisture in the sample gas.

In addition, the Examiner acknowledges that steps a), b) and c) of claim 1 are not disclosed or suggested in Dion. For these three steps, the Examiner apparently relies on Nitta. The humidity-sensitive resistor in Nitta does, in fact, suggest the utilization of aluminum oxide in a humidity sensor, but the manner in which the sensor is operated is not at all like that required by independent claim 1. In this regard, the Examiner relies on Nitta as teaching the inclusion of a wire heater 3 operated to heat the sensor for a time period necessary to reach a temperature of from 20°C to 400°C followed by cooling it back to 20°C, and the Examiner concludes that it would have been obvious to operate the sensor in CA '631 in a similar manner.

The sensor in '631, however, is used within a heated clothes dryer, and there is no apparent reason why one of ordinary skill in the art would alter the procedure described therein to heat the sensor to a first temperature above the sample gas temperature, i.e., above the heated air within the dryer, and to hold the sensor at that temperature for a first predetermined period of time followed by cooling the sensor to a second lower temperature (within the heated dryer), and then taking plural samples of sensor conductance over a third predetermined time at the lower temperature. Moreover, Nitta teaches heating the sensor to a first higher temperature in order to clean the resistor surface of the sensor from stains such as oil, noting that the sensor is used in a microwave oven where it is exposed to various vapors that may contain oil or the like. Clearly, there would have no reason for one of ordinary skill in the art to apply this teaching to the

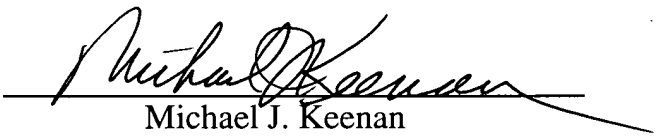
clothes dryer sensor of CA '631, and there is no instruction on how this methodology might be applied to the control system in CA '631 in any event.

Thus, the proposed combination of references is clearly based on the utilization of impermissible hindsight.

For the above reasons, it is respectfully submitted that all of the remaining claims in the application (claims 1-3, 5 and 7-15 along with claims 4, 6 and 16-22) are in condition for immediate allowance, and early passage to issue is requested. In the event, however, any small matters remain outstanding, the Examiner is encouraged to telephone the undersigned so that the prosecution of this application can be expeditiously concluded.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

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